

09/307,633

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Remarks

Applicant has amended the application and drawings to overcome the Examiner's formal objections.

The Examiner's sole remaining objections are based upon 35 U.S.C. 112, first and second paragraphs.

Applicant respectfully submits there is no lack of enablement of physical indicia in the application. Applicant submits that the creation and use of physical indicia in accordance with the principles of the claims is well within the ordinary skill in the art. Applicant would direct the Examiner's attention, for example, to the existing disclosure of such indicia in the cited prior art, such as U.S. Patent 4,978,335. Furthermore, a discussion of a magnetic type of indicia and sensor are disclosed in the application, in connection with the detection of a faceplate, starting at page 20, line 29. A person of ordinary skill would be readily able to make use of these disclosures, and the numerous other available disclosures in the art of indicia such as bar codes, bumps and ridges and the like, and optical or mechanical sensors for reading them, to implement the claimed "indicia" on a syringe.

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Applicant further submits that there is no gap of elements in the claims as presented due to the lack of an "extender" recited by those claims. The present patent application is clearly directed to the concept of managing the relationship between the location of the end of the syringe and the plunger, an issue that must be handled both with syringes that have an extender attached to the plunger, and those that do not, both of which are shown in the Figures. In the normal course of operation of the invention, extender or not, the injector must determine the relative positions of the plunger and end of the syringe (e.g., empty syringe, fully pre-filled syringes, partially pre-filled syringe with or without extenders, etc.) and handle this appropriately. Thus, the claims are in no way incomplete for lack of recitation of the extender; that element is not needed for the claimed invention.

A three-month petition for extension of time is included in the transmittal of this communication. If any further extension of time is required, please consider this paper a petition for such an extension of time, and apply the appropriate extension of time fee to Deposit Account 23-3000. If any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

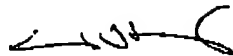
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Respectfully submitted,



Thomas W. Humphrey
Reg. No. 34,353

Wood, Herron & Evans, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202-2917

Voice: (513) 241-2324
Facsimile: (513) 241-6234